

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

HOWARD LEE LEACH

PETITIONER

V.

NO. 16-5202

STATE OF ARKANSAS

RESPONDENT

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Currently before the Court is Petitioner Howard Lee Leach's Amended 28 U.S.C. § 2254 petition (Doc. 5). This petition appears to be at least the fourth § 2254 petition that Leach has filed in this Court seeking to challenge his state court convictions in March of 2000, for forgery and sexual abuse. See Case Nos. 01-5143, 02-5082, and 11-5074. The first petition was dismissed on procedural default grounds and the petitions in the latter two cases were dismissed on the grounds that they were successive and Leach did not obtain permission from the Eighth Circuit Court of Appeals to file a successive petition.

The current successive petition is subject to dismissal on the same grounds. Pursuant to 28 U.S.C. § 2244(b)(3)(A), this Court lacks jurisdiction to consider the claims Leach presents in his successive petition. See Burton v. Stewart, 549 U.S. 147, 152 (2007); Nooner v. Norris, 499 F.3d 831, 833 (8<sup>th</sup> Cir. 2007). Accordingly, the undersigned recommends that Leach's petition (Doc. 5) be **DISMISSED FOR LACK OF JURISDICTION**.

The parties have fourteen days from receipt of our report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

IT IS SO ORDERED this 23<sup>RD</sup> day of August, 2016.

/s/ Erin L. Setser

HON. ERIN L. SETSER  
UNITED STATES MAGISTRATE JUDGE